



BRUSSELS CINCINNATI CLEVELAND COLUMBUS DAYTON NEW YORK WASHINGTON, D.C.

FAX COVER PAGE**RECEIVED
CENTRAL FAX CENTER****JAN 21 2005**

PAGES: 13 including cover

DATE: January 21, 2005

FROM: Steven J. Elleman
937.443.6838
Steve.Elleman@ThompsonHine.comTO: Monica Smith Carter
Primary Examiner
United States Patent and Trademark Office
Art Unit: 3722PHONE: 571-272-4475
FAX: 703-872-9306

PLEASE SEE ATTACHED.

Re: Application of

Applicant : Richied
Serial No. : 10/696,499
Filed : October 29, 2003
Title : DIVIDER WITH MOVABLE TAB
Docket : 100041-41185
Examiner : Monica S. Carter
Art Unit : 3722

**REQUEST TO CONSIDER CORRESPONDENCE NEVER RECEIVED AS TIMELY
FILED IN ACCORDANCE WITH CERTIFICATE OF MAILING (37 C.F.R. § 1.8(b))**

Per Andrea L. Wellington, the examiner's supervisor, this facsimile is being sent to Examiner Monica S. Carter at facsimile 703-872-9306.

Problems with transmission? Call Marriet Burdick at 937-331-6044.

mlb 00000.100041.41185

CONFIDENTIALITY NOTICE: THE INFORMATION IN THIS TRANSMITTAL IS CONFIDENTIAL AND INTENDED ONLY FOR THE RECIPIENT LISTED ABOVE. IF YOU ARE NEITHER THE INTENDED RECIPIENT NOR A PERSON RESPONSIBLE FOR DELIVERING THIS TRANSMITTAL TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISTRIBUTION OR COPYING OF THIS TRANSMITTAL IS PROHIBITED. IF YOU RECEIVED THIS TRANSMITTAL IN ERROR, PLEASE IMMEDIATELY NOTIFY US AND RETURN THE TRANSMITTAL TO US AT OUR EXPENSE.

THOMPSON HINE LLP
ATTORNEYS AT LAW2000 Courthouse Plaza, N.E.
P.O. Box 8801
Dayton, Ohio 45401-8801www.ThompsonHine.com
Phone 937.443.6600
Fax 937.443.6635

Jan. 21. 2005 1:25PM

RECEIVED
CENTRAL FAX CENTER

No. 0838 P. 2

JAN 21 2005

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, Post Office Box 1450, Alexandria, VA 22313-1450, on:

1/21/05

Date of Deposit

SLJ
Attorney

41,733

Reg. No.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of

Applicant : Richied
Serial No. : 10/696,499
Filed : October 29, 2003
Title : DIVIDER WITH MOVABLE TAB
Docket : 100041-41185
Examiner : Monica S. Carter
Art Unit : 3722

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

Sir:

**REQUEST TO CONSIDER CORRESPONDENCE NEVER RECEIVED AS TIMELY
FILED IN ACCORDANCE WITH CERTIFICATE OF MAILING (37 C.F.R. § 1.8(b))**

This is a request to consider correspondence filed in the above-identified application as being timely filed in accordance with the procedures of 37 C.F.R. § 1.8(a).

An Amendment filed in response to an Office action dated July 23, 2004 was mailed on October 14, 2004. A copy of such Amendment is enclosed. As can be seen that Amendment includes a Certificate of Mailing certifying that the correspondence was being deposited with the United States Postal service on October 14, 2004. Also submitted herewith is a copy of a letter, dated October 14, 2004, from the undersigned to the Applicant reporting the filing of the subject

Serial No. 10/696,499
Attorney Docket No. 100041-41185
Petition

paper on October 14, 2004. This letter is provided as further evidence that the paper of October 14, 2004 was properly mailed on that day.

On January 14, 2005, the undersigned discovered that the United States Patent and Trademark Office has not received the Amendment filed on October 14, 2004. Accordingly, this Request is being promptly submitted upon discovery that the Office never received that paper.

In view of the foregoing, it is hereby requested that the correspondence filed in the above-identified application be considered as being timely filed and considered by the Examiner.

Respectfully submitted,



Steven J. Elleman
Reg. No. 41,733

THOMPSON HINE LLP
2000 Courthouse Plaza NE
10 West Second Street
Dayton, Ohio 45402-1758
PH (937) 443-6838

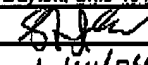
369614.1

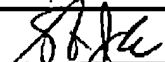
PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/696,499	
	Filing Date	October 29, 2003	
	First Named Inventor	Richied	
	Art Unit	3722	
	Examiner Name	M.S. Carter	
Total Number of Pages In This Submission	8	Attorney Docket Number	100041-41185

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard
Remarks The Commissioner is hereby authorized to charge any additional fees required (including the fee for any extension of time), or to credit any overpayment, to Deposit Acct. No.: 20-0809.		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Thompson Hine LLP 2000 Courthouse Plaza N.E., 10 West Second Street Dayton, Ohio 45402-1758	
Signature		
Date	10/14/04	

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Typed or printed name	Steven J. Elleman, Reg. No. 41,733	
Signature		Date 10/14/04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.